

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

United States of America,

Criminal No. 04-402 (RHK/JSM)

Plaintiff,

ORDER

v.

Loren George Jennings,

Defendant.

Before the Court are Defendant's Renewed Motion for Judgment of Acquittal and Motion for New Trial. Both Motions have been thoroughly briefed by the parties.

With respect to the Motion for New Trial, Defendant asserts that the guilty verdicts on Counts 3, 4 and 7 were "against the weight of the evidence" and worked a "miscarriage of justice" against Defendant; the Court's evidentiary rulings with respect to witness Bernstein's testimony and the "Vitalis notes" were erroneous and had a "substantial impact" upon the guilty verdicts; and the Court's instructions on "intent to defraud" and the definition of "honest services" were erroneous.

These evidentiary rulings and the Court's final instructions were the subject of objections, briefing, and argument during the course of the trial. The present Motion is, in essence, a repeat of those objections and now seeks different rulings. The undersigned is satisfied that the evidentiary rulings were correct and consistent with the applicable legal principles and that the objected to instructions were likewise a correct statement of the legal principles applicable to the issues in this case. With respect to the "weight of the evidence," it is the Court's view that there was sufficient admissible evidence before the jury from which it reasonably could conclude that the Government had met its

burden of proving, beyond a reasonable doubt, that the Defendant was guilty of the crimes charged in Counts 3, 4 and 7 of the Superseding Indictment.

With respect to the Renewed Motion for Judgment of Acquittal, the Court is also satisfied that the evidence before the jury was sufficient to allow the jury to find, beyond a reasonable doubt, that Defendant was guilty of the crimes charged in Courts 3, 4 and 7 of the Superseding Indictment.

Accordingly, and upon all the files, records and proceedings herein, **IT IS ORDERED:**

1. Defendant's Motion for New Trial (Doc. No. 85) is **DENIED**; and
2. Defendant's Renewed Motion for Judgment of Acquittal (Doc. No. 87) is **DENIED**.

Dated: September 13, 2005

s/Richard H. Kyle
RICHARD H. KYLE
United States District Judge